IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5106 OF 2005

Asha @ Anju Aslam Gazi
@ Sairabibi Gafoor Mandal ...Applicant
vs.
State of Maharashtra ...Respondent

Mr.Ganesh Gole for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 18,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The Applicant is the accused No.2 in an offence punishable under Sections 363, 366(A), 372, 373, 376, 342, 34 of I.P.C. read with Sections 3,4,5,6,7 of P.I.T.A. Act.

2. The learned Counsel for the Applicant submitted that accused No.1 in the same offence has been enlarged on bail by order dated 6th July 2005 passed by this Court. He pointed out that the applicant is a woman who is in custody from 9th December 2004. He submitted that the Applicant is entitled to be enlarged on bail both on the ground of parity and on merits.

3. After having heard learned A.P.P. for State, I find that the Applicant is entitled to be enlarged on bail on the basis of parity.

4. Considering the nature of allegations made by the prosecution, the co-accused was ordered to be enlarged on bail only because she offered to stay away from Mumbai till the conclusion of the trial. Hence, the Applicant deserves to be enlarged on bail subject to stringent condition including the condition of residing away from Mumbai till the conclusion of trial.

5. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No. 363/2005 registered at D.B.Marg Police Station, Mumbai subject to furnishing a personal bond of Rs.25,000/- (Rupees twenty five thousand) with one or two local sureties in the like amount.

ii) Bail is granted subject to the condition that the Applicant shall not enter the city of Mumbai till the conclusion of trial except for attending the cases against her.

iii) The order granting bail will be implemented only after the applicant furnishes to the Investigating Officer detailed address of her place of residence where she proposes to stay after she is enlarged on bail.

iv) Bail is granted subject to the condition that the Applicant will record her attendance in the local police station once in a week.

v) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

vi) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

vii) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

viii) Application is disposed of in above terms.

. The parties to act upon an authenticated copy of this order.

JUDGE